

ENTERED

March 25, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
V.	§	CRIMINAL NO. H-21-442
	§	
SAUL MEJIA-GALARZA	§	

REPORT AND RECOMMENDATION

Before the court, by referral pursuant to 28 U.S.C. §636(b), is the matter of the re-arraignment of Saul Mejia-Galarza, the defendant in this action. On March 25, 2024, Defendant Mejia-Galarza appeared with counsel before the undersigned magistrate judge for the purpose of entering a guilty plea to counts Eighteen, Twenty-Two, Twenty-Four, Twenty-Five and Twenty-Seven of the Second Superseding Indictment, which charges him with aiding and abetting smuggling goods from the United States, in violation of 18 U.S.C. § 554, aiding and abetting false statement during the purchase of a firearm, in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2), aiding and abetting straw purchasing of a firearm, in violation of 18 U.S.C. § 932(b)(1), 932(c)(1) and 2, and alien in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(5) and 924(a)(8).

Mejia-Galarza consented in writing to plead guilty before a United States Magistrate Judge. After conducting the proceeding in the form and manner prescribed by Rule 11 of the Federal Rules of Criminal Procedure, this court makes

the following findings of fact:

1. Mejia-Galarza, after consultation with counsel of record and with the approval of the government, has knowingly and voluntarily consented to be advised of his rights and to enter a plea of guilty before a U.S. Magistrate Judge subject to final approval and imposition of sentence by United States District Judge Andrew S. Hanen.
2. Mejia-Galarza is fully competent and capable of entering an informed plea.
3. Mejia-Galarza is aware of the nature of the charges, the maximum and minimum punishment range and other penalties that may be imposed at sentencing.
4. Mejia-Galarza understands his constitutional and statutory rights and wishes to waive those rights.
5. Mejia-Galarza understands that the sentencing judge is not bound by any recommendation on sentencing made by either counsel for the government or counsel for the defendant, and that if a recommendation on sentencing is not followed by the sentencing judge, he may not withdraw his plea of guilty.
6. Mejia-Galarza's plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense charged in Counts Eighteen, Twenty-Two, Twenty-Four, Twenty-Five and Twenty-Seven of the Second Superseding Indictment.

Based upon the foregoing, it is **RECOMMENDED** that the guilty plea of Saul Mejia-Galarza to Counts Eighteen, Twenty-Two, Twenty-Four, Twenty-Five and Twenty-Seven be accepted by the court and that Saul Mejia-Galarza be adjudged guilty of the offenses alleged in Counts Eighteen, Twenty-Two, Twenty-Four, Twenty-Five and Twenty-Seven of the Second Superseding Indictment.

The Clerk shall send copies of this Report and Recommendation to the respective parties who have fourteen (14) days from the receipt thereof to file written

objections thereto pursuant to General Order 2002-13. Failure to file written objections within the time period mentioned shall bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

SIGNED at Houston, Texas, this 25 day of March, 2024.

A handwritten signature in black ink, appearing to read "Peter Bray", is written over a horizontal line.

Peter Bray
United States Magistrate Judge